IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY
WRIT PETITION NO : 527 of 1993

Between:
1 B.Sharabaiah S/o.Ramulaiah
Amangal, Mahaboobnagar Dist
2 B.Sham Sunder S/o.Sharavaiah
Amangal, Mahaboobnagar Dist

..... PETITIONERS

AND
1 State of A.P. rep.by its Secretary
Food and Agriculture (CS) Secretariate Buildings,
Hyderabad
2 The Joint Collector Mahaboobnagar
3 The Additional Commissioner of Civil Supplies and Ex.Officio Secretary
Govt. of Andhra Pradesh, Hyderabad,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, or direction especially one in the nature of the certiorari calling for the records relating to GO.Ms.No.1019, Food and Agriculture (CS.IV) Dept., Dt.20/07/1992 issued by the 3rd respondent confirming the orders of the 2nd respondent and proceedings C.81/4279/86, Dt.6/4/87 and to declare them illegal and to quash the same and pass such other order.

Counsel for the Petitioner:MR.C.SUBBA RAO

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court Made the Following O R D E R:

The petitioners in the instant writ petition challenge the order

passed by the 3rd respondent dated 20-07-1992, confirming the orders of the 2nd respondent
dated 06-04-1987, wherein, certain seized stocks of sugar and kerosene were directed to be confiscated under the provisions of Section 6-A of the Essential Commodities Act 1955, (for short 'the Act') .

In pursuance of the complaint received, the Inspector of Police, Flying Squad, Civil Supplies Department, Hyderabad, conducted surprise visit on the retail kerosene business and fair price shops of the 1st petitioner herein, situated at Amangal, on 30-10-1986. Based on the inspection report, show cause notice was issued to the writ petitioners, framing certain charges that they had violated conditions 3(i)(a)(b)(ii), 5,6 and 11 of the licence issued under clause 3(3) of A.P.Petroleum Products (L&D of supplies) Order, 1980, by allotting kerosene to retail shops attached to him in excess of normal allotment and diverting stocks without accounting for in the fair price shop's register and also by lifting stocks of another dealer without orders. That he failed to maintain the correct and day-to-day accounts and failed to issue bills to consumers and is issuing excess quantity of stocks to consumers than the quantity fixed and thus violated the terms and conditions of the licence issued under clause 3(3) of A.P.Petroleum Products (L&D of Supplies) Order, 1980.

The Joint Collector, after hearing the arguments and upon consideration of the entire material available on record, found that the petitioners not only issued excess quantity to fair price shops but also failed to account for the entire quantity. The petitioners have not maintained any proper records and also not produced any

evidence in support of having taken permission of the Mandal Revenue Officer for directly selling 10% of kerosene to the retailers. The Joint Collector found that the petitioners were diverting the excess stock of kerosene to black market. The charges framed against the petitioners were accordingly held as proved. On appeal, the Commissioner found that the petitioners though diverted 23,700 liters of kerosene to the retailer shop stock register, the receipt shown to him was only 14,600 liters of kerosene, which was in excess and it reveals that the accounts did not reflect the entire stock of the kerosene received in the retail shop and the balance was diverted for sale in black market. For the aforesaid reasons, the appellate authority also found that the charges framed against the petitioners are serious in nature and accordingly confirmed the order of confiscation of stocks.

The Joint Collector as well as the appellate authority concurrently found that the petitioners have indulged in various activities of diverting the essential commodities into black market and accordingly violated not only the provisions of the Act but also the terms and conditions of the licence granted to the 1st petitioner enabling him to deal in kerosene. The concurrent finding of fact and the conclusions arrived at by the authorities did not suffer from any error or perversity requiring any inference of this Court.

The Writ Petition fails and shall accordingly stand dismissed. No order as to costs.

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B.SUDERSHAN REDDY, J

01-07-2004.

MJL/*

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Govt. of A.P.
Food and Agriculture (CS) Secretariate Buildings,
Hyderabad
2 The Joint Collector Mahaboobnagar
3 The Additional Commissioner of Civil Supplies and Ex.Officio Secretary
Govt. of Andhra Pradesh, Hyderabad,
4. 2 CCs to G.P. for Revenue, High Court of A.P. Hyderabad.
5. 2 CD copies.
6. one spare copy.